

372-7



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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/056433-Conf. #08074
		Filing Date	January 23, 2002
		First Named Inventor	Carolyn M. McNeeley
		Art Unit	3727
		Examiner Name	Joseph Moy
Total Number of Pages in This Submission	1	Attorney Docket Number	29939/37717

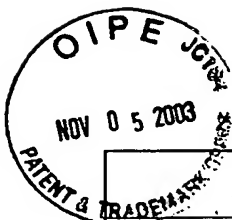
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Preliminary Amendment
Remarks: _____		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MARSHALL, GERSTEIN & BORUN LLP Matthew D. Fair - 51,662
Signature	<i>Matthew D. Fair</i>
Date	11/3/03

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 11/3/03 Signature: Matthew D. Fair (Matthew D. Fair)

**AMENDMENT TRANSMITTAL LETTER**Docket No.  
29939/37717Application No.  
10/056433-Conf. #08074Filing Date  
January 23, 2002Examiner  
Joseph MoyArt Unit  
3727

Applicant(s): Carolyn M. McNeeley, et al.

Invention: NESTABLE FOOD STORAGE LID AND CONTAINER BASE

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

**CLAIMS AS AMENDED**

	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	10	- 20 =		x	0.00
Independent Claims	1	- 3 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					0.00

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 13-2855  
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.Dated: 11/3/03

Matthew D. Fair

Attorney Reg. No.: 51,662

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Dated: November 3, 2003 Signature: Matthew D. Fair

-(Matthew D. Fair)

*210 DmdNA S. Zimmerman*  
Docket No.: 29939/37717  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
McNeeley et al.

Application No.: 10/056,433

Group Art Unit: 3727

Filed: January 23, 2002

Examiner: Joseph M. Moy

For: NESTABLE FOOD STORAGE LIDS AND  
CONTAINER BASE

**RESPONSE TO ELECTION REQUIREMENT  
AND PRELIMINARY AMENDMENT**

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Commissioner for Patents  
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Dear Sir or Madam:

**INTRODUCTORY COMMENTS**

This paper is responsive to the official action dated October 2, 2003. Prior to examination on the merits, please amend the above-identified U.S. patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Amendments to the Drawings** begin on page 5 of this paper and includes attached replacement sheets.

**Remarks/Arguments** begin on page 6 of this paper.

An **Appendix** including amended drawing figures is attached following page 6 of this paper.